

RECORDS AND CORRESPONDENCE

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CIA RECORDS DESTRUCTION POLICY

STATINTL Rescission: [] dated 7 September 1976

1. This notice informs each CIA employee of the ^{current} requirements that must be fulfilled before Agency records legally can be destroyed. The requirements are outlined below and summarized in paragraph 5.

2. The basic legal requirement for the destruction of Federal records is the prior approval of the Archivist of the United States. This approval is obtained by submitting to the Archivist Standard Form 115, Request for Records Disposition Authority, which identifies series of related records and requesting approval to destroy each record series immediately or after a specified period of time. Within CIA ~~use~~ Form 139, Records Control Schedule, which is a more detailed version of SF 115, to implement the approved dispositions.

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3. Although the ~~Records Control Schedule~~ reflects the basic authorization to destroy Federal records, other factors bear equally on the decision to destroy CIA records. These factors include legislation such as the Freedom of Information Act and the Privacy Act, litigation such as Federal antitrust suits and personal lawsuits, and ~~official investigations of the Agency~~. Records subject to these factors ~~normally~~ are identified when a requirement [] arises; ~~but it is possible that some records may inadvertently be overlooked.~~ Therefore, before destroying any Agency records, whether on paper, magnetic tape, film, or other recording media, a determination must be made that there are no pending legal or investigative requirements for the records.

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4. The CIA Records Management Officer (Chief, Information Systems Analysis Staff, DDA), in coordination with other Agency officials, is responsible for ensuring that CIA records are properly maintained and destroyed in accordance with the above requirements. To ensure compliance with these requirements before destroying records, each employee must consult his component Records Management Officer (RMO) to determine that the records are covered by an approved Records Control Schedule and that they are not subject to pending legal or investigative requirements. [This initial determination will be made on the basis of information provided by the General Counsel through the CIA RMO to Directorate and Component RMO's.] If there is any question whether the records should be destroyed, the proposed destruction should be submitted through the Directorate RMO to the Agency RMO for concurrence by the General Counsel prior to destruction. The procedure for obtaining this clearance is in paragraph 5c, below.

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5. In summary, CIA policy requires that the following approval and clearance authorizations be obtained before any ~~the~~ records are destroyed:

a. The Archivist of the United States must approve SF 115, Request for Records Disposition Authority, authorizing destruction of the records.

b. Currently, copies of SF 115 and Form 139, Records Control Schedule, are reviewed and cleared by the Senate Select Committee on Intelligence and the House Select Committee on Assassinations. Procedures are also being negotiated for these committees to inspect CIA records prior to their destruction. (For informational purposes, copies of these forms are also provided to the Government Information and Individual Rights Subcommittee of the House Committee on Government Operations.)

*through the
Legislative
Committee*

c. A determination must be made that the records are not ~~currently~~ ^{related} subject to litigation or possible litigation, ~~or as of interest in~~ matters under investigation by the Department of Justice, ~~this includes~~ ^{Freedom of Information Act or} Privacy Act requests to the Agency. For all records deposited in the Agency Archives and Records Center, this determination will be obtained by routing Form 141, Notification of Disposition Action, through the Component and Directorate RMO's to the Records Administration Branch, ISAS. The Agency Records Management Officer will obtain the concurrence of the General Counsel prior to approving the actual destruction of the records. For records in the office which raise any question as to actual or potential legal or investigative requirements, a similar clearance procedure will be followed.

d. Extra copies of documents preserved only for convenience of reference or for distribution stocks of publications may be destroyed when no longer needed.

6. Questions on the implementation of this policy should be directed to your component Records Management Officer.

E. H. Knoche
Deputy Director of Central Intelligence

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